

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Pauline Tomlinson**

Case No.: **16-33113**

Debtor(s)

Judge:

Chapter:

**13**

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 5/13/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 785.00 Monthly to the Chapter 13 Trustee, starting on \_\_\_ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Walter D. Nealy 6287	Attorney Fees	2,000.00
Internal Revenue Service	Taxes and certain other debts	400.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
PNC Mortgage	1060 Wilson Ave Teaneck, NJ 07666 Bergen County	33,795.40		33,795.40	2,792.78
Bayview Loan Servicing LLC	337-339 Central Ave, East Orange, NJ 07108	3,117.30		3,117.30	5,100.00

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Hafador Enterprise	1060 Wilson Ave Teaneck, NJ	174.833	327,000	461,943.00	0		0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
<b>-NONE-</b>			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

**Nissan Motor Acceptance**

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
<b>-NONE-</b>		

**Part 5: Unsecured Claims**

**a. Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_ percent

  X   *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
<b>-NONE-</b>			

## Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

### b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Hafnador Enterprise	1050 Wislon Avenue Teaneck, NJ	174,833

### c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or

coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
to correct IRS claim; to properly purpose cramdown of 2nd mortgage loan	Part 3,4 7 b has been amended

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date May 13,2017 /s/ Walter D. Nealy  
Walter D. Nealy 6287  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 13, 2017 /s/ Pauline Tomlinson  
Pauline Tomlinson  
Debtor

Date: \_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Pauline Tomlinson  
 Debtor

Case No. 16-33113-JKS  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 37

Date Rcvd: May 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2017.

db  
 516531926 +Pauline Tomlinson, 1060 Wilson Avenue, Teaneck, NJ 07666-1812  
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bankamerica, Po Box 982238, El Paso, TX 79998)  
 516604589 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785  
 516674915 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 516531929 +Cap1/vlcty, Po Box 30253, Salt Lake City, UT 84130-0253  
 516531930 +Cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 516531931 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241  
 516531933 +Comenity Bank/avenue, Po Box 182789, Columbus, OH 43218-2789  
 516531950 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577  
 (address filed with court: Webbank/dfs, 1 Dell Way, Round Rock, TX 78682)  
 516716452 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657,  
 Kirkland, WA 98083-0657  
 516531935 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999  
 516531936 +First Data, 265 Broad Hollow R, Melville, NY 11747-4833  
 516531937 +Frd Motor Cr, Po Box Box 542000, Omaha, NE 68154-8000  
 516531938 Hafnador Enterprises, 53--42 Maspeth Avenue, Maspeth, NY 11378  
 516531940 +KML LAW Group, PC, 216 Haddon Ave Suite 406, Westmt, NJ 08108-2812  
 516694006 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011  
 516538652 Nissan, POB 660366, Dallas, TX 75266-0366  
 516531941 +Nissan Motor Acceptanc, Po Box 660360, Dallas, TX 75266-0360  
 516721220 +PNC Bank, NA, 3232 Newmark Drive, Miamisburg, OH 45342-5421  
 516531942 +Pnc Mortgage, Po Box 8703, Dayton, OH 45401-8703  
 516531944 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 516531943 +Sears/cbna, Po Box 6189, Sioux Falls, SD 57117-6189  
 516531948 +Terrence Mingo, 31 Eppert Street, East Orange, NJ 07018-2504  
 516531949 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov May 17 2017 22:20:43 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 17 2017 22:20:41 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516531927 +E-mail/Text: bkmailbayview@bayviewloanservicing.com May 17 2017 22:21:08  
 Bayview Financial Loan, 4425 Ponce De Leon Blvd, Coral Gables, FL 33146-1873  
 516761216 +E-mail/Text: bkmailbayview@bayviewloanservicing.com May 17 2017 22:21:08  
 Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd., 5th Floor,  
 Coral Gables, FL 33146-1837  
 516539114 E-mail/Text: mrdiscen@discover.com May 17 2017 22:19:58 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 516531934 +E-mail/Text: mrdiscen@discover.com May 17 2017 22:19:58 Discover Fin Svcs Llc,  
 Po Box 15316, Wilmington, DE 19850-5316  
 516531939 E-mail/Text: cio.bncmail@irs.gov May 17 2017 22:20:17 Internal Revenue Service,  
 PO Box 7346, Philadelphia, PA 19101-7346  
 516660440 E-mail/PDF: resurgentbknotifications@resurgent.com May 17 2017 22:15:52  
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516770542 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 17 2017 22:23:17  
 Portfolio Recovery Associates, LLC, c/o Sears Card, POB 41067, Norfolk VA 23541  
 516770447 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 17 2017 22:36:29  
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,  
 Norfolk VA 23541  
 516531945 +E-mail/PDF: gecsedirecoverycorp.com May 17 2017 22:16:15 Synch/bp, Po Box 965024,  
 Orlando, FL 32896-5024  
 516531946 +E-mail/PDF: gecsedirecoverycorp.com May 17 2017 22:15:48 Synch/jcp, Po Box 965007,  
 Orlando, FL 32896-5007  
 516531947 +E-mail/PDF: gecsedirecoverycorp.com May 17 2017 22:16:01 Synch/synch, C/o Po Box 965036,  
 Orlando, FL 32896-0001

TOTAL: 13

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516531932 Comenity Bank/avenue  
 516531928\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)

TOTALS: 1, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 37

Date Rcvd: May 17, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 19, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 13, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov  
Walter D. Nealy on behalf of Debtor Pauline Tomlinson nealylaw@gmail.com,  
r43366@notify.bestcase.com  
William M.E. Powers on behalf of Creditor Bayview Loan Servicing, LLC ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Bayview Loan Servicing, LLC ecf@powerskirn.com  
TOTAL: 6